

I. Remarks

Reconsideration and allowance of the subject application are respectfully requested.

Claims 1- 18 and 21-29 are pending in the present application. Claims 1, 15, and 21 are independent.

Claims 1- 18 and 21-29 were rejected under 35 U.S.C. § 102(b) as being allegedly in "public use" or "on sale" more than one year prior to the October 1, 2001 filing date, as discussed at pages 2-6 of the office Action. Applicant respectfully traverse all art rejections.

The Office Action fails to establish that the invention was in "public use" prior to October 1, 2000. The "Demonstrations" document itself clearly shows that there was no "public" demonstration of anything (let alone the invention) until December 5, 2000, if then. The Office Action provides no evidence or reasoning evidencing any "public" demonstration prior to October 1, 2000. Absent such evidence, this rejection is improper.

The Office Action also fails to establish that the invention was "on sale" prior to October 1, 2000. The on-sale bar of 35 USC 102(b) is triggered if the invention is both (1) the subject of a commercial offer for sale not primarily for experimental purposes and (2) ready for patenting. *Pfaff v. Wells Elecs., Inc.*, 525 U.S. 55, 67, 48 USPQ2d 1641, 1646-47 (1998). MPEP 2133.03(b). The Office Action provides no evidence or reasoning demonstrating that the invention was the subject of a commercial offer for sale. Indeed, the "Call" document clearly states, "This forum is not an opportunity for marketing or sales presentations." Absent such evidence of a commercial offer for sale, this rejection is improper.

In view of the above, it is believed the application is in order for allowance and action to that end is respectfully requested.

Applicant's attorney may be reached in our Washington, D.C. office by telephone at (202) 625-3507. All correspondence should continue to be directed to our address given below.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Richard P. Bauer", written over a horizontal line.

Attorney for Applicant
Richard P. Bauer
Registration No. 31,588

Patent Administrator
KATTEN MUCHIN ROSENMAN L.L.P.
525 West Monroe Street
Chicago, Illinois 60611-3693
Facsimile: (312) 902-1061